

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. ED CV 16-298-DMG (SPx)

Date June 12, 2017

Title Isiah Washington v. Sierra Aluminum Company, et al.

Present: The Honorable Sheri Pym, United States Magistrate Judge

Kimberly I. Carter

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Applicant:

Attorneys Present for Respondent:

None Present

None Present

Proceedings: (In Chambers) Order to Show Cause Why Motion to Compel Should Not Be Denied as Untimely

On June 2, 2017, plaintiff filed a Motion to Compel. The motion was not filed in the form of a joint stipulation as normally required by Local Rule 37-2; however, it was accompanied by a declaration stating counsel for the subpoenaed party at issue had failed to meet and confer when requested, thus permitting plaintiff to file a motion without a joint stipulation, with Local Rules 6-1, 7-9, and 7-10 governing. *See* L.R. 37-2.4.

Under Local Rule 6-1, the notice of motion must be filed not later than 28 days before the hearing date. Here, the motion was filed on June 2, 2017 and thus, assuming it was personally served on that date, could be noticed for hearing not earlier than June 30, 2017 – or, given that this magistrate judge hears motions on Tuesdays, and given that July 4, 2017 is a court holiday, not earlier than July 11, 2017. Plaintiff noticed the hearing for July 11, 2017.

The problem is that under the governing scheduling order, the discovery cutoff in this case, including the last date to hear discovery motions, is July 3, 2017. Thus, as noticed for July 11, 2017, the motion is untimely.

Accordingly, plaintiff is hereby ordered to show cause, on or before June 19, 2017, why the Motion to Compel should not be denied as untimely. If plaintiff withdraws the motion on or before June 19, 2017, or if plaintiff obtains an extension of the discovery cutoff on or before June 19, 2017, the order to show cause will be automatically discharged.